

United States District Court

EASTERN DISTRICT OF WISCONSIN

JOAN BOYD,

Petitioner,

v.

Case No. 13-MC-52

UNITED STATES EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Respondent,

FOREST COUNTY POTAWATOMI
COMMUNITY,

Movant.

FEDERICO COLON,

Petitioner,

v.

Case No. 13-MC-53

UNITED STATES EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Respondent,

FOREST COUNTY POTAWATOMI
COMMUNITY,

Movant.

COURT MINUTES
HONORABLE CHARLES N. CLEVERT, JR., PRESIDING

Date: October 21, 2013

Proceeding: Motion Hearing

Start Time: 2:00:02 p.m. End Time: 2:10:14 p.m.

Court Reporter: FTR Gold Deputy Clerk: Kris Wilson

Appearances: Attorney Andrew S. Oettinger and Rufino Gaytan, III
Attorney Dennis R. McBride

Disposition: The court dismisses these cases without prejudice.

Notes: Attorney McBride filed a Motion to Dismiss Respondent's Miscellaneous Action and Motion in 13-MC-53 and filed a new enforcement action as 13-MC-61 which has been assigned to Judge Adelman.

Attorney Oettinger moves to strike the EEOC's Motion to Dismiss 13-MC-53 as untimely. He adds that the Potawatomi Community is no longer contesting Boyd but still seeks a protective order and moves for attorney fees.

The court asks Attorney Oettinger what he has proffered to provide it with a jurisdictional basis for the Boyd matter. Attorney Oettinger states that the subpoena applies to the tribe which is a federal matter as well as the ADEA. However, Attorney Oettinger acknowledges that his motion does not cite jurisdictional authority.

The court turns to 13-MC-53 and asks Attorney Oettinger if the same deficiencies exist. He acknowledges the motion omits such authority.

The court concludes that these cases must be dismissed as the movants did not cite ample basis for it to act.